



RESOLUTION NO. 16-2014

APPROVING AMENDMENTS TO THE REVISED IMPLEMENTING RULES AND REGULATIONS OF RA 9184, AND THE PHILIPPINE BIDDING DOCUMENTS FOR THE PROCUREMENT OF GOODS AND INFRASTRUCTURE PROJECTS

WHEREAS, Republic Act (RA) No. 9184, otherwise known as the “Government Procurement Reform Act” and its revised Implementing Rules and Regulations (IRR) took effect on 26 January 2003 and 2 September 2009, respectively;

WHEREAS, the Government Procurement Policy Board (GPPB), under Section 63 of RA 9184 and its IRR, is mandated to formulate and amend public procurement policies, rules and regulations, and amend the IRR, whenever necessary;

WHEREAS, the GPPB issued the Fourth Edition of the Philippine Bidding Documents (PBDs) for the Procurement of Goods, Infrastructure Projects, and Consulting Services in December 2010 through GPPB Resolution No. 06-2010;

WHEREAS, since the issuance of the PBDs Fourth Edition in December 2010, the GPPB has adopted procurement policies affecting provisions and references in the PBDs;

WHEREAS, one of these procurement policies is the amendment of Section 23.1(a)(iii)¹ of the IRR of RA 9184 through GPPB Resolution No. 29-2012 issued on 23 November 2012;

WHEREAS, in the course of the review conducted by the GPPB-Technical Support Office (GPPB-TSO), the respective clause on Documents Comprising the Bid: Eligibility and Technical Components under the PBDs for Procurement of Goods and Procurement of Infrastructure Projects was identified as needing amendment to conform with GPPB Resolution No. 29-2012 dated 23 November 2012;

WHEREAS, in its 3rd meeting held on 13 June 2014, the Inter-Agency Technical Working Group (IATWG) deliberated and resolved to recommend to the GPPB the amendment of the PBDs for the Procurement of Goods and Infrastructure Projects, particularly Clause 12.1 of the Instructions to Bidders, to distinguish the statement of all on-going government and private contracts from the statement identifying the single largest completed contract, to conform with GPPB Resolution No. 29-2012 dated 23 November 2012;

WHEREAS, further review of the PBDs for Infrastructure Projects shows that the Invitation to Bid also needs to be amended to delete the ten (10) year period for the completed similar contract, and the phrase “within the relevant period as provided in the Bidding Documents” referring to the statement of all on-going government and private

¹ Renumbered as Section 23.1(a)(iv) due to the amendments introduced by GPPB Resolution No. 21-2013, dated 30 July 2013, entitled *Approving Amendments to Sections 23.1(a), 24.1(a) and 34.2 of the Revised Implementing Rules and Regulations of Republic Act No. 9184 and the Philippine Bidding Documents for Goods, Infrastructure Projects and Consulting Services*.

contracts, which is found in the 1st paragraph of Section 23.1(a)(iv) of the IRR of RA 9184 to avoid confusion on the submission of said requirement;

WHEREAS, in addition to the recommendations of the IATWG, the GPPB-TSO also recommended to the GPPB the amendment of the Invitation to Bid in the PBDs for Infrastructure Projects to delete the ten-year period for the completed similar contract and the amendment of the 1st paragraph of Section 23.1(a)(iv) of the IRR of RA 9184;

WHEREAS, in its 4th meeting held on 20 June 2014, the GPPB, after a careful review and deliberation, resolved to adopt the recommendations of the IATWG and the GPPB-TSO to amend the relevant provisions of Section 23.1(a)(iv) of the IRR of RA 9184 and the PBDs for the Procurement of Goods and Infrastructure Projects;

NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law, hereby **RESOLVE** to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve the following amendments:

1. **AMEND** Section 23.1(a)(iv) of the IRR of RA 9184 as shown in the attached **Annex “A”**; and
2. **AMEND** Clause 12.1 of the Instructions to Bidders and Clause 12.1(a)(iii) of the Bid Data Sheet, Philippine Bidding Documents for Goods, and Item 2 of the Invitation to Bid and Clause 5.4(a) and 12.1 of the Instruction to Bidders, Philippine Bidding Documents for Infrastructure Projects, as shown in the attached **Annex “B”**.

This Resolution shall take effect after fifteen (15) days following the publication in the Official Gazette or a newspaper of general nationwide circulation and upon filing with the University of the Philippines Law Center of three (3) certified copies of this Resolution.

APPROVED this 20th day of June 2014 at Pasig City, Philippines.

(Sgd.)

DEPARTMENT OF BUDGET AND
MANAGEMENT

NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY

(Sgd.)

DEPARTMENT OF EDUCATION

(Sgd.)

DEPARTMENT OF ENERGY

(Sgd.)

DEPARTMENT OF FINANCE

(Sgd.)

DEPARTMENT OF HEALTH

(Sgd.)

DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT

(Sgd.)

DEPARTMENT OF NATIONAL
DEFENSE

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

**DEPARTMENT OF TRADE AND
INDUSTRY**

(Sgd.)

**DEPARTMENT OF TRANSPORTATION
AND COMMUNICATIONS**

(Sgd.)

PRIVATE SECTOR REPRESENTATIVE

Attested by:

(Sgd.)

DENNIS S. SANTIAGO
Board Secretary, GPPB
Executive Director, GPPB-TSO



**REVISED IMPLEMENTING RULES AND REGULATIONS (IRR)
OF REPUBLIC ACT (RA) NO. 9184**

ORIGINAL	AMENDED
<p>Section 23.1(a)(iv)</p> <p>Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid, <u><i>within the relevant period as provided in the Bidding Documents; and</i></u></p> <p>Statement identifying the bidder’s single largest completed contract similar to the contract to be bid, except under conditions provided for in Sec. 23.5.1.3 of this IRR, within the relevant period as provided in the Bidding Documents in the case of goods.</p> <p>All of the above statements shall include all information required in the PBDs prescribed by the GPPB.</p>	<p>Section 23.1(a)(iv)</p> <p>Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; and</p> <p>Statement identifying the bidder’s single largest completed contract similar to the contract to be bid, except under conditions provided for in Sec. 23.5.1.3 of this IRR, within the relevant period as provided in the Bidding Documents in the case of goods.</p> <p>All of the above statements shall include all information required in the PBDs prescribed by the GPPB.</p>

PHILIPPINE BIDDING DOCUMENTS

Goods

<i>Instructions to Bidders</i>	
ORIGINAL	AMENDED
<p>Clause 12.1. Unless otherwise indicated in the BDS, the first envelope shall contain the following eligibility and technical documents:</p> <p>(a) Eligibility Documents –</p> <p>Class “A” Documents:</p> <p>...</p> <p>(iii) Statement of all its ongoing and completed government and private contracts within the period stated in the BDS, including contracts awarded but not yet started, if any. The statement shall include, for each contract, the following...</p>	<p>Clause 12.1. Unless otherwise indicated in the BDS, the first envelope shall contain the following eligibility and technical documents:</p> <p>(a) Eligibility Documents –</p> <p>Class “A” Documents:</p> <p>...</p> <p>(iii) Statement of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, <u>whether similar or not similar in nature and complexity to the contract to be bid</u>; and</p> <p><u>Statement identifying the bidder’s single largest completed contract similar to the contract to be bid, except under conditions provided for in Sec. 23.5.1.3 of the IRR, within the relevant period as provided in the BDS.</u></p> <p>The statement shall include, for each contract, the following...</p>
<i>Bid Data Sheet</i>	
<p>Clause 12.1(a)(iii). The statement of all ongoing <u>and completed</u> government and private contracts shall include all such contracts within [<i>state relevant period as provided in the Invitation to Bid</i>] prior to the deadline for the submission and receipt of bids.</p>	<p>Clause 12.1(a)(iii). The statement of all ongoing government and private contracts shall include all such contracts within [<i>state relevant period as provided in the Invitation to Bid</i>] prior to the deadline for the submission and receipt of bids.</p>

Infrastructure Projects

<i>Invitation to Bid</i>	
ORIGINAL	AMENDED
<p>2. The [insert name of Procuring Entity] now invites bids for [insert brief description of Works to be procured]. Completion of the Works is required [insert the required completion date or expected contract duration]. Bidders should have completed, <u>within ten (10) years from the date of submission and receipt of bids</u>, a contract similar to the Project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II. Instructions to Bidders.</p>	<p>2. The [insert name of Procuring Entity] now invites bids for [insert brief description of Works to be procured]. Completion of the Works is required [insert the required completion date or expected contract duration]. Bidders should have completed a contract similar to the Project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II. Instructions to Bidders.</p>
<i>Instructions to Bidders</i>	
<p>Clause 5.4.(a) Unless otherwise provided in the BDS, the Bidder must have completed, <u>within ten (10) years from the submission of bids</u>, a single contract that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC adjusted to current prices using the National Statistics Office consumer price index.</p>	<p>Clause 5.4.(a) Unless otherwise provided in the BDS, the Bidder must have completed a single contract that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC adjusted to current prices using the National Statistics Office consumer price index.</p>
<p>Clause 12.1. Unless otherwise indicated in the BDS, the first envelope shall contain the following eligibility and technical documents:</p> <p style="padding-left: 40px;">(a) Eligibility Documents –</p> <p style="padding-left: 40px;">Class “A” Documents:</p> <p style="padding-left: 80px;">...</p> <p style="padding-left: 40px;">(iii) Statement of all its ongoing and completed government and private contracts within 10 years from the submission of bids, including contracts awarded but not yet started, if any. The statement shall include, for each contract, the following...</p>	<p>Clause 12.1. Unless otherwise indicated in the BDS, the first envelope shall contain the following eligibility and technical documents:</p> <p style="padding-left: 40px;">(a) Eligibility Documents –</p> <p style="padding-left: 40px;">Class “A” Documents:</p> <p style="padding-left: 80px;">...</p> <p style="padding-left: 40px;">(iii) Statement of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, <u>whether similar or not similar in nature and complexity to the contract to be bid; and</u></p> <p style="padding-left: 40px;"><u>Statement identifying the bidder’s single largest completed contract similar to the contract to be bid.</u></p> <p style="padding-left: 40px;">The statement shall include, for each contract, the following...</p>